

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:12-CR-00005-F-1
No. 4:15-CV-00019-F

JOHN ALBRITTON,)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
Respondent.)	


This matter is before the court on John Albritton's Motion to Alter or Amend [DE-154], which the court construes as a motion for reconsideration. In his motion, Albritton renews arguments made in his Motion to Vacate, Motion for Leave to Amend Discovery, and Addendum in Support of Motion to Vacate.

Rule 59(e) of the Federal Rules of Civil Procedure permits a court to alter or amend a judgment. Fed. R. Civ. P. 59(e). Although the rule itself does not set forth any guidelines as to when such a motion should be allowed, the Fourth Circuit Court of Appeals has recognized three grounds for amending a judgment pursuant to Rule 59(e): "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available [previously]; or (3) to correct a clear error of law or prevent manifest injustice." *Sloas v. CSX Transp., Inc.*, 616 F.3d 380, 385 n.2 (4th Cir. 2010) (alteration added and citation omitted). "It is an extraordinary remedy that should be applied sparingly." *Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012). A "district court has considerable discretion in deciding whether to modify or amend a judgment." *Gagliano v. Reliance Standard Life Ins. Co.*, 547 F.3d 230, 241 n.8 (4th Cir. 2008).

Following a review of the record, including the court's May 19, 2016 Order [DE-152], the court sees no meritorious reason to disturb its ruling. Accordingly, Albritton's Motion to Alter or Amend [DE-154] is DENIED.

SO ORDERED.

This, the 15 day of June, 2016



James C. Fox
Senior United States District Judge